

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

IN RE GOOGLE INC. COOKIE
PLACEMENT CONSUMER PRIVACY
LITIGATION

C.A. 12-MD-2358 (SLR)

This Document Relates to:
All Actions

**DEFENDANT GOOGLE’S PARTIAL NON-OPPOSITION AND JOINDER IN MOTION
FOR CONSOLIDATION PURSUANT TO FED. R. CIV. P. 42(a) AND APPOINTMENT
OF INTERIM CLASS COUNSEL PURSUANT TO FED. R. CIV. P. 23(g)**

Defendant Google Inc. (“Google”) submits this statement of partial non-opposition to and partial joinder in the motion (ECF No. 27) filed by the majority of the plaintiffs’ counsel in this consolidated action seeking to appoint Interim Counsel under Fed. R. Civ. 23(g).

Google takes no position with respect to the request to appoint a particular group of attorneys as Interim Counsel. While Google does not oppose or endorse the request to appoint Interim Counsel, Google reserves the right to challenge the motion’s factual representations (and factual distortions), legal conclusions, and characterizations, including stated qualifications of counsel, at the appropriate stage in this litigation, such as in a dispositive motion or in an opposition to class certification. Google also reserves the right to challenge the application of any attorney or group of attorneys to be appointed to fulfill duties beyond that of Interim Counsel.

Google joins in plaintiffs’ motion to the limited extent that the motion seeks to (1) consolidate the two related actions that have not yet been consolidated in this action; (2) require the parties to meet and confer regarding a briefing schedule for a motion to dismiss the consolidated complaint; and (3) suspend early disclosure requirements under Fed. R. Civ. P. 26(a)

until at least “Lead Counsel serves the consolidated class action complaint and the parties thereafter meet and confer pursuant to Rule 26(f).” *See* ECF No. 27-1 ¶¶ 2, 8-9.

Respectfully submitted,

Dated: September 6, 2012

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